UNITED STATES DISTRICT COURT			
FOR THE EASTERN DISTRICT OF CALIFORNIA			
	1		
pert,		No. 1:21-cv-0069	90-KJM-JDP
Plaintiff	,	ORDER	
Doctor's Choice Modesto LLC, et al.,			
Defenda	ents.		
stiff Darran Gilbart file	ad this aivil rights	action scalzing rali	of under the Americans
with Disabilities Act of 1990, 42 U.S.C. §§ 12101, et seq. (ADA), California's Unruh Civil			
Rights Act, Cal. Civ. Code §§ 51 <i>et seq.</i> , and violations of California Health and Safety Code			
§ 19955(a). See generally Second Am. Compl, ECF No. 70. Specifically, plaintiff sought			
injunctive relief, damages, attorneys' fees and costs. <i>Id.</i> The court subsequently declined to			
exercise supplemental jurisdiction over the state law claims and dismissed those claims with			
prejudice. See Prior Order (Apr. 21, 2023), ECF No. 119. Only the ADA claim remains.			
Plaintiff's counsel recently filed a declaration informing the court plaintiff and plaintiff's			
wife passed away. See Decl. ¶ 2, ECF No. 157. As plaintiff's counsel concedes, see id. ¶ 3,			
injunctive relief is the only remedy available to a private litigant under Title III of the ADA. See			
Wander v. Kaus, 304 F.3d 856, 858 (9th Cir. 2002). Plaintiff's death renders his ADA claim			
moot thereby depriving this court of subject matter jurisdiction. See, e.g., Gilbert v. De Aranjah			
	1		
	FOR THE EA Defenda The presentation of the p	FOR THE EASTERN DISTR Defent, Plaintiff, hoice Modesto LLC, et al., Defendants. Itiff Darren Gilbert filed this civil rights lities Act of 1990, 42 U.S.C. §§ 12101, et Cal. Civ. Code §§ 51 et seq., and violative See generally Second Am. Compl, ECF celief, damages, attorneys' fees and costs. Explemental jurisdiction over the state law See Prior Order (Apr. 21, 2023), ECF No Intiff's counsel recently filed a declaration away. See Decl. ¶ 2, ECF No. 157. As Existing the only remedy available to a print of the state of the country of the	Plaintiff, No. 1:21-cv-0069 ORDER No. 1:21-cv-0069 ORDER hoice Modesto LLC, et al., Defendants. Itiff Darren Gilbert filed this civil rights action seeking reliable and the seeking reliable action of the seeking r

	Case 1:21-cv-00690-KJM-JDP Document 160 Filed 10/04/24 Page 2 of 2			
1	<i>Inc.</i> , No. 22-00994, 2024 WL 3673528, at *1 (E.D. Cal. Aug. 5, 2024) (finding the same).			
2	Having determined subject matter is lacking, the court dismisses this action without prejudice and			
3	directs the Clerk of Court to close this case. See Fed. R. Civ. P. 12(h)(3).			
4	IT IS SO ORDERED.			
5	DATED: October 3, 2024.			
6	UNITED STATES DISTRICT JUDGE			
7	CIVILED STATES DISTINCT SODGE			
	·			